

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HAROLD T. CAIN

PLAINTIFF

V.

CIVIL ACTION NO. 1:07cv50-LTS-RHW

HARTFORD CASUALTY INSURANCE COMPANY,
UNIDENTIFIED ENTITIES 1-10, AND JOHN DOES 1-10

DEFENDANTS

ORDER

An [14] Order for Mediation was entered in this matter on August 13, 2007. The order is clear as to attendance and participation, and explicitly states that “[e]ach party shall attend the mediation” and that “[a] party’s and counsel’s failure to attend and participate in this mediation, without good cause, shall result in the imposition of appropriate sanctions.”

The mediation in this case was held October 10, 2007. Unfortunately, Plaintiff failed to appear at the session, and the mediator indicates that his absence was not conducive to a productive negotiating environment.

This is a serious matter. The mediation effort is important to the Court’s docket of Hurricane Katrina insurance cases. The Court expects adherence to its orders and good faith participation in the mediation program.

This is not the first time the Court has required the payment of fees and expenses. *See Therrell v. State Farm Fire and Casualty Co.*, Civil Action No. 1:06cv151 (imposing payment of fees on Defendant’s counsel occasioned by continuance of a mediation); *Padilla v. State Farm Fire & Casualty Co.*, Civil Action No. 1:06cv483 (imposing payment of fees for failure to attend mediation); *Loehn v. State Farm Fire and Casualty Co.*, Civil Action No. 1:06cv168 (imposing payment of expenses for private attempt to reschedule mediation). The Court has also denied requests (especially by Plaintiffs) to be excused from personally attending a mediation. *See Black v. Higley*, Civil Action No. 1:06cv1104.

Accordingly, **IT IS ORDERED:**

Plaintiff or Plaintiff’s counsel shall send a check in the amount of \$200.00 payable to the American Arbitration Association at the following address:

American Arbitration Association
Central Case Management Center
13455 Noel Rd., Suite 1750
Dallas, TX 75240-6620

ATTN: Lesley Barton

Plaintiff or Plaintiff's counsel shall send a check in the amount of \$400.00 payable to Elizabeth K. Woodruff at the following address:

Elizabeth K. Woodruff, Esq.
5956 Baxter Drive
Jackson, MS 39211

Plaintiff or Plaintiff's counsel shall send a check in the amount of \$300.00 payable to L. Grant Bennett or the law firm of Gunn & Hicks, PLLC, at the following address:

L. Grant Bennett, Esq.
Gunn & Hicks
804 West Pine Street
Hattiesburg, MS 39403-1588

Plaintiff or Plaintiff's counsel shall send these checks no later than October 24, 2007, and shall provide written confirmation to the Court of payment. The payees shall also provide written confirmation to the Court of the receipt of payment.

Failure to comply with this Order shall result in the imposition of additional sanctions, including but not limited to dismissal of this cause of action.

SO ORDERED this the 15th day of October, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE